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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,333	11/14/2001	Mathias Smith	HER0100	3554

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 10/02/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,333

Applicant(s)

SMITH, MATHIAS

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-46 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-46, 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Applicant's Petition to revive the application has been GRANTED on May 10, 2007.

The Examiner repeats the Office action preceding the Notice of Abandonment in order to give the applicant time to reply to the Office action.

1. Applicant's amendment received on June 23, 2005, in which claims 1, 11, 15-17, 19, 21, 30, 38, 46, 48, and 51 were amended and claims 14, and 47 were canceled, has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8, 9-54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova (US Patent no. 6157871) in view of Kirsten (US Patent no. 6011901).

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Regarding claims 1, 11, 21-22, 25, 30, 38, 40, 45-47, 50, 51, and 56, Terranova discloses a system for use in a refueling environment having a fuel dispenser position (See col. 4, lines 28-33), said system comprising surveillance camera operatively associated with said fuel dispenser position (See Fig. 5, camera 262), said surveillance camera being configured to operatively collect at least one image pertaining to said fuel dispenser position (See col. 28, lines 41-50); and a controller operatively associated with said surveillance camera (See controller 80 of fig. 5), said controller being configured to direct operation of said surveillance camera in response signal indicative of a trigger event (See col. 33, lines 4-15, and lines 53-66).

It is noted that although Terranova suggest recording images pertaining to the fuel dispenser (See col. 33, lines 2-8), it is silent about continuously recording for the duration of the operation associated with the transaction as specified in the amended claims.

However, Kirsten discloses a monitoring system including the steps of continuously recording for the duration of the operation associated with a transaction (See Kirsten col. 3, lines 33-41, and col. 2, lines 41-54).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Terranova by incorporating Kirsten' step of continuously recording for the duration of the operation associated with a transaction. The motivation for performing such a modification in Terranova is to raise the probability of capturing significant information at the time of an event as taught by Kirsten (See col. 2, lines 4-5).

As per claims 2, 13, 23, 31, 39, and 49, most of the limitations of these claims have been noted in the above rejection of claims 1, 11, 21, 30, 38, 46 and 51. In addition, Terranova further provides configuration to operate in response to a signal indicating authorization of a transaction pertaining to the dispenser user (See Terranova fig.18, and col. 28, lines 28-32).

As per claims 24, 33, and 56, Terranova further discloses issuing a trigger event signal from a point-of-sale facility in the refueling environment (See Terranova col. 18, lines 20-32).

As per claims 3, and 50, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Terranova further discloses a signal indicating the presence of a vehicle associated with the fuel dispenser position (See col. 11, lines 18-30, col. 27, lines 26-33, and col. 29, lines 15-18).

As per claims 4, and 27-29, Trinova's camera is a camera recorder (See fig. 8, camera 262).

As per claims 5-6, 17-18, 34, 43-44, and 54, Terranova further provides a network connection configured for connection to at least the Internet (See col. 37, lines 21-23).

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As per claims 19-20, 37, most of the limitations of these claims have been noted in the above rejection of claims 11 and 14. In addition, Terranova further provides a communication link between the refueling environment and a remote location (See Terranova col. 5, lines 34-55).

As per claim 7, Terranova further provides a camera housed within the fuel dispenser is considered an inherent feature of the system as seen in fig. 8, camera 262.

As per claims 10, 14-16, 26, 35-36, 41-42, 48, and 52-53, Terranova further discloses the means for providing a record of the drive-off event (See col. 33, lines 53-66).

As per claim 9, Trinova's camera as disclosed in fig. 5, items 86 and 262, and col. 28, lines 41-50, col. 33. lines 2-8, will provide the still image, series of images, moving image, full motion video sequence, or a combination thereof.

Regarding claim 8, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that Terranova is silent about recording over any previously recorded video portions in the absence of a signal pertaining to previously recorded video portions.

Kirsten discloses recording over any previously recorded video portions in the absence of a signal pertaining to previously recorded video portions (See Kirsten col. 5, lines 1-5).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the Trinova's fuel dispenser by incorporating Kirsten's step of recording over any previously recorded video portions in the absence of a signal pertaining to previously recorded video portions. The motivation for performing such a modification in Terranova is to make room for new data once the age of archival is over as taught by Kirsten (See Kirsten col. 5, lines 6-20).

4. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova (US Patent no. 6,157,871) in view of Kirsten (US Patent no. 6,011,901) as applied to claim 54 above, and further in view of Fernandez et al. (US Patent no. 6,697,103).

Regarding claim 55, most of the limitations of this claim have been noted in the above rejection of claim 54.

It is noted that Terranova is silent about a network including a packet-based data network.

Fernandez discloses a monitoring system including a network including a packet-based data network (See col. 2, lines 22-32, col. 3, lines 30-42).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Trinova's method by incorporating Fernandez's refueling method including a network with a packet-based

data network. The motivation for such a modification in Terranova is to be able to identify more than one detector as taught by Fernandez (See col. 3, lines 30-42).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

June 22, 2007